

Application No.: 09/405,031

AMENDMENTS TO THE DRAWINGS

A separate letter to the Office Draftsman is enclosed submitting three (3) sheet(s) of new drawings.

REMARKS/ARGUMENTS

The Office Action mailed January 13, 2005 has been carefully reviewed. Reconsideration of this application, as amended and in view of the following remarks, is respectfully requested. The claims presented for examination are: claims 1-30.

New Drawings

The drawings in the application were reviewed and considered not to be formal drawings. Applicants have prepared and are submitting formal drawings. A separate letter to the Office Draftsman is enclosed submitting five (5) sheet(s) of new drawings. No new matter is introduced.

35 USC 103 Rejection - Paragraph 3 of Office Action

The claims presented for examination are: claims 1-30. Applicants have amended all of the independent claims, claims 1, 10, 17, and 24.

In numbered paragraph 3 of the Office Action mailed January 13, 2005, claims 1-5, 9-14, 17-21, and 24-28 were rejected under 35 USC 103(a) as allegedly being unpatentable over the primary Noll et al reference (U.S. Patent No. 5,732,138) in view of the secondary Koopman, Jr. reference (U.S. Patent No. 5,757,923).

Applicants have amended all of the independent claims, claims 1, 10, 17, and 24, and submit that all of the claims presented for examination are patentable over the primary Noll et al reference and the secondary Koopman, Jr. reference and any legitimate combination of the two references.

The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966) that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) include "Ascertaining the differences between the prior art and the claims at issue."

The differences between the primary Noll et al reference and Applicants' invention are that the primary Noll et al Reference does not show the following elements of Applicants' amended independent claims 1, 10, 17, and 24:

"acquisition means for acquiring a media signal, said acquisition means including a random noise transducer for acquiring random noise only, said random noise being completely unpredictable from one moment to the next and not being chaotic noise," or

"data compression means coupled to said acquisition means to receive and compress said media signal containing random noise that is completely unpredictable from one moment to the next and not being chaotic noise into a compressed data stream," or

"acquiring a random noise only media signal containing random noise that is completely unpredictable from one moment to the next and not being chaotic noise," or

"compressing said random noise only media signal containing random noise that is completely unpredictable from one moment to the next and not being chaotic noise."

The primary Noll et al reference fails to disclose Applicants' claim elements listed above. For example, Applicants' claim elements include:

"acquisition means for acquiring a media signal, said acquisition means including a random noise transducer for acquiring random noise only, said random noise being completely unpredictable from one moment to the next and not being chaotic noise." This element is not found in the primary Noll et al reference.

The primary Noll et al reference states, "First, chaotic systems can be completely or partially predicted over small amounts of time.... Furthermore, the behavior of chaotic systems can be far from completely random... All of the above problems arise because the behavior of a chaotic system may not be

completely random.” (Col. 2, lines 7-21 Noll et al Reference) The Noll et al reference discloses “an apparatus and method for producing a seed for a pseudo-random number generator from hashing the digitization of a chaotic source.” (Col. 1, lines 8-11 Noll et al Reference)

Since the Noll et al reference contains a “chaotic source” the Noll et al reference system can not be modified to include Applicants’ claim elements identified above. The Noll et al reference teaches away from any modification that would change it from having “chaotic noise.”

There is no suggestion or motivation for combining the primary Noll et al reference with the secondary Koopman, Jr. reference. Under MPEP §2142, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. It should be noted that the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicants’s disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Since primary Noll et al reference fails to disclose Applicants’ claim elements listed above and there is no suggestion or motivation for combining the primary Noll et al reference with the secondary Koopman, Jr. reference to produce Applicants’ invention defined by claims 1-5, 9-14, 17-21, and 24-28; a 35 U.S.C. §103(a) rejection of Applicants’ claims 1-5, 9-14, 17-21, and 24-28 is unsupported by the prior art and should be withdrawn.

35 USC 103 Rejection - Paragraph 4 of Office Action

In numbered paragraph 4 of the Office Action mailed January 13, 2005, claims 6, 8, 15, 22, and 29 were rejected under 35 USC 103(a) as allegedly being unpatentable over the primary Noll et al reference (U.S. Patent No. 5,732,138) in

view of the secondary Koopman, Jr. reference (U.S. Patent No. 5,757,923) and further in view of the tertiary Owashi et al reference (U.S. Patent No. 6,363,210).

Applicants have amended the independent claims, claims 1, 10, 17, and 24, and submits that claims 6, 8, 15, 22, and 29 that are dependent upon the independent claims are patentable over the primary Noll et al reference, the secondary Koopman, Jr. reference, and the tertiary Owashi et al reference; and any legitimate combination of the three references.

The differences between the primary Noll et al reference and Applicants' invention are set out above in connection with Applicants' response to the rejection of numbered paragraph 3. The Noll et al reference fails to disclose Applicants' claim elements listed above.

Further, there is no suggestion or motivation for combining the primary Noll et al reference with the secondary Koopman, Jr. reference with the tertiary Owashi et al reference. Under MPEP §2142, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. It should be noted that the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Since there is no suggestion or motivation for combining the primary Noll et al reference with the secondary Koopman, Jr. reference, with the tertiary Owashi et al reference to produce Applicants' invention defined by claims 6, 8, 15, 22, and 29, a 35 U.S.C. §103(a) rejection of Applicants' claims 6, 8, 15, 22, and 29 is unsupported by the prior art and should be withdrawn.

35 USC 103 Rejection - Paragraph 5 of Office Action

In numbered paragraph 5 of the Office Action mailed January 13, 2005, claims 7, 16, 23, and 30 were rejected under 35 USC 103(a) as allegedly being unpatentable over the primary Noll et al reference (U.S. Patent No. 5,732,138) in view of the secondary Koopman, Jr. reference (U.S. Patent No. 5,757,923) and further in view of the tertiary Borza et al reference (U.S. Patent No. 6,215,874).

Applicants have amended independent claims 1, 10, 17, and 24, and submit that claims 7, 16, 23, and 30 that are dependent upon the independent claims are patentable over the primary Noll et al reference, the secondary Koopman, Jr. reference, and the tertiary Borza et al reference.

The differences between the primary Noll et al reference and Applicants' invention are set out above in connection with Applicants' response to the rejection of numbered paragraph 3. The Noll et al reference fails to disclose Applicants' claim elements listed above.

Further, there is no suggestion or motivation for combining the primary Noll et al reference with the secondary Koopman, Jr. reference, with the tertiary Borza et al reference. Under MPEP §2142, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. It should be noted that the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicants' disclosure. In re Vaack, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Since there is no suggestion or motivation for combining the primary Noll et al reference with the secondary Koopman, Jr. reference, with the tertiary Borza et al reference to produce Applicants's invention defined by claims 6, 8, 15, 22, and 29, a 35 U.S.C. §103(a) rejection of Applicants' claims 6, 8, 15, 22, and 29 is unsupported by the prior art and should be withdrawn.

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SUMMARY

The undersigned respectfully submits that, in view of the foregoing amendments and the foregoing remarks, the rejections of the claims raised in the Office Action mailed January 13, 2005 have been fully addressed and overcome, and the present application is believed to be in condition for allowance. It is respectfully requested that this application be reconsidered, that the claims be allowed, and that this case be passed to issue. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned attorney at (925) 424-6897.

Respectfully submitted,



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